

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee

December 5, 2003

IN RE:

**IMPLEMENTATION OF THE
FEDERAL COMMUNICATIONS
COMMISSION'S TRIENNIAL
REVIEW ORDER – 9 MONTH
PROCEEDING – SWITCHING**

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**DOCKET NO.
03-00491**

**ERRATUM TO ORDER ON DECEMBER 1, 2003 STATUS CONFERENCE
AND AMENDING PROCEDURAL SCHEDULE**

The Hearing Officer entered the *Order on December 1, 2003 Status Conference and Amending Procedural Schedule* on December 4, 2003. Due to an inadvertent error, two modifications need to be made to the order.


First, the order failed to include a due date in the procedural schedule that was discussed during the status conference. Specifically, all agreed during the status conference that the due date for ILECs to file a statement of the geographic areas where impairment will not be contested should be Wednesday, January 7, 2004. Therefore, the procedural schedule on pages three and four of the order is modified to reflect that the ILEC shall file a statement of geographic areas where impairment will not be contested by Wednesday, January 7, 2004.

Second, the statement regarding the designation of active parties contained in the second sentence of the first full paragraph on page three should have included the entities listed in footnote three. Thus, the second sentence of the first full paragraph on page three is modified such that the active parties shall include BellSouth Telecommunications, Inc.,

the Competitive Carriers of the South, Inc., Sprint Communications Company, L.P., United Telephone-Southeast, Inc, Sprint Spectrum, L.P. d/b/a Sprint PCS, the Consumer Advocate and Protection Division, MCImetro Access Transmission Services, LLC, and Brooks Fiber Communications of Tennessee, Inc. as well as AT&T Communications of the South Central States, LLC, ITC^DeltaCom of the South Central States, LLC, DIECA Communications Inc. d/b/a Covad Communications Company, and Birch Telecom of the South, Inc.

IT IS THEREFORE ORDERED:

Attached to this *Erratum to Order on December 1, 2003 Status Conference and Amending Procedural Schedule* are corrected pages 3 and 4. These corrected pages are specifically incorporated by this reference and shall be substituted into the *Order on December 1, 2003 Status Conference and Amending Procedural Schedule* filed on December 4, 2003.



Ron Jones, Director
As Hearing Officer

motion, KMC requests an extension until December 12, 2003 to file its responses to BellSouth Telecommunications, Inc.'s discovery requests. KMC cited the large number of requests as support for its motion. No party objected to this motion, and the Hearing Officer granted the motion. Given this action, the time for filing a motion to compel with regard to discovery responses from KMC is extended to December 17, 2003 and the time for filing a response is extended to December 22, 2003.

The second item discussed at the status conference was the role played in this docket by certain entities that filed notices of appearance requesting to receive copies of notices and orders, but which did not request intervention for the purpose of actively participating in the docket. It was determined that at this time the active parties are BellSouth Telecommunications, Inc., the Competitive Carriers of the South, Inc.,³ Sprint Communications Company, L.P., United Telephone-Southeast, Inc, Sprint Spectrum, L.P. d/b/a Sprint PCS, the Consumer Advocate and Protection Division, MCImetro Access Transmission Services, LLC, and Brooks Fiber Communications of Tennessee, Inc as well as AT&T Communications of the South Central States, LLC, ITC^DeltaCom of the South Central States, LLC, DIECA Communications Inc. d/b/a Covad Communications Company, and Birch Telecom of the South, Inc. It was agreed that for the purpose of obtaining the agreement of all the parties for the filing of any pleading, a party need only contact the active parties, but should serve copies on all entities that have entered an appearance in this docket.


³ AT&T Communications of the South Central States, LLC, ITC^DeltaCom of the South Central States, LLC, DIECA Communications Inc. d/b/a Covad Communications Company, and Birch Telecom of the South, Inc. also requested and were granted intervention to fully participate in this docket. However, each company is represented by counsel for the Competitive Carriers of the South, Inc. and in a November 21, 2003 letter their counsel indicated that a filing made by the Competitive Carriers of the South, Inc. is also made on behalf of its member companies that have intervened in this docket. See Letter from Henry Walker and Guy Hicks Regarding Docket 03-00491, 1 (Nov. 21, 2003).

IT IS THEREFORE ORDERED:

- 1) The procedural schedule is amended as follows:

Nuvox Files Discovery Responses..... Tuesday, November 25, 2003
Birch, AT&T, Momentum, NewSouth, and
AIN Files Discovery Responses Monday, December 1, 2003
Xspedius Files Discovery Responses..... Friday, December 5, 2003
Motions to Compel Filed Friday, December 12, 2003
Responses to Motions to Compel & Motion to Compel
Responses from KMC Telecom III, LLC Filed Wednesday, December 17, 2003
Response to Motion to Compel Responses
from KMC Telecom III, LLC Filed Monday, December 22, 2003
Order on Motions to Compel OPEN
Supplemental Discovery Responses, If Needed OPEN
ILEC Statement of Geographic Areas Where Impairment
Will Not Be Contested Wednesday, January 7, 2004
Direct Testimony Filed Friday, January 16, 2004
Supplemental Direct Testimony, If Needed OPEN
Rebuttal Testimony Filed Friday, February 27, 2004
Surrebuttal Testimony Filed Wednesday, March 17, 2004
Hearing Monday, March 29, 2004 at 9:00 a.m. through April 2, 2004
Direct Post-Hearing Briefs Filed Tuesday, April 20, 2004
Reply Post-Hearing Briefs Filed Wednesday, May 5, 2004

- 2) For the purpose of obtaining the agreement of all the parties for the filing of any pleading, a party need only contact the active parties to obtain their agreement, but should serve copies on all entities that have entered an appearance in this docket.



Ron Jones, Director
As Hearing Officer⁴

⁴ During the September 22, 2003 Authority Conference, a panel of the Tennessee Regulatory Authority consisting of Chairman Deborah Taylor Tate and Directors Pat Miller and Ron Jones unanimously voted to appoint Director Ron Jones as the Hearing Officer to prepare the switching portion of this case for a hearing by the panel. Transcript of Proceedings, Sept. 22, 2003, pp. 73-75 (Authority Conference).